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Of Counsel

STAN STEPHEN
TY CLEVENGER

October 27, 2010

Office of the Chief Clerk, MC 105
ICEQ
P.O. Box 13087
Austin, Texas 78753
Via Electronic Filing

Re: **SOAH Docket No. 582-10-0209 and TCEQ Docket No. 2008-1814-PST-E;
Executive Director of the Texas Commission on Environmental Quality v.
Ira Betts; Before the State Office of Administrative Hearings**

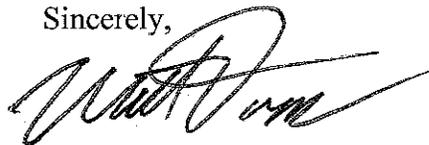
**RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE
EXCEPTIONS, BRIEFS AND/OR REPLIES RESPONDEING TO THE
PROPOSAL FOR DECISION AND ORDER**

To Whom It May Concern:

Enclosed please find Respondent's Motion for Extension of Time to File Exceptions, Briefs and/or Replies Responding to the Proposal for Decision and Order. Please file this pleading in the papers of this cause. Additionally, please note that a copy of this pleading has been forwarded along with this letter to the parties listed below.

If you have any questions or concerns, please do not hesitate to contact me at the principal office phone number listed above. Thank you for your assistance in this matter.

Sincerely,



MATTHEW D. DOSS
Attorney at Law

Enclosure

CC: Mr. Blas J. Coy, Jr.
ICEQ Public Interest Counsel
P.O. Box 13087, MC-103
Austin, Texas 78711-3087
Via Fax No. (512) 239-6377

Mr. Steven M. Fishburn
ICEQ - Litigation Division for the Executive Director of ICEQ
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Mr. Les Trobman
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Honorable Richard R. Wilfong
State Office of Administrative Hearings
William P. Clements Bldg.
300 W. 15th Street, Ste. 502
Austin, Texas 78701
Via Fax No. (512) 475-4994

SOAH DOCKET NO. 582-10-0209; TCEQ DOCKET NO. 2008-1814-PST-E

EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Petitioner

v.

IRA BETTS; RN10404736,

Respondent

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE EXCEPTIONS,
BRIEFS AND/OR REPLIES RESPONDING TO THE PROPOSAL FOR DECISION AND
ORDER**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE, AND GENERAL COUNSEL
FOR THE ICEQ:

COMES NOW, IRA BETTS, RN10404736 and Respondent herein, and brings this his
Motion for Extension of Time to File Exceptions, Briefs and/or Replies Responding to the
Proposal for Decision and Order, and in support would show the Administrative Law Judge the
following:

1. Exceptions and/or briefs responding the Proposal for Decision and Order were
originally required by the Administrative Law Judge to filed no later than November 1, 2010. Replies
to exceptions or briefs filed were required to be filed no later than November 11, 2010. Respondent
has addressed this request for an extension to both the Administrative Law Judge of the State Office
of Administrative Hearings, and General Counsel for the TCEQ because both parties have the
authority to change filing deadlines following the Proposal for Decision under Sections 80.257(b)
and 155.507(c)(3)-(4) of the Texas Administrative Code.

2. On October 27, 2010, Respondent retained attorneys Bill Youngkin and Matthew

Doss to represent him in this matter. At this time, attorneys for Respondent are in the process of obtaining all live pleadings and other relevant documents to this case. Further, Respondent's counsel requires additional time to review the Proposal for Decision, live pleadings and applicable documents in order to prepare a response to the Proposal for Decision.

3. **Requested Time For Extension** - Respondent requests that the Administrative Law Judge and/or General Counsel for the TCEQ alter the deadline for filing exceptions and/or briefs to **November 8, 2010**, and replies to filed exceptions/briefs to **November 18, 2010**.

4. **Positions of Other Parties** - Blas Coy, Jr., of TCEQ Public Interest Counsel, has advised Respondent's counsel that he is not opposed to any extension of the deadlines mentioned herein. Steven M. Fishburn, on behalf of the Executive Director of the TCEQ, indicated to Respondent's counsel that he would not be joining in the extension, however, he was not sure if he would oppose Respondent's requested extension.

5. Respondent asserts that he has good cause for requesting said extension of deadlines for filing exceptions and replies to the Proposal for Decision, and it appears that the other parties to this matter are not in opposition to Respondent's requested extension. Therefore, it is within the discretion of the Administrative Law Judge or General Counsel for the TCEQ to extend the deadlines as requested by Respondent herein.

WHEREFORE PREMISES CONSIDERED, IRA BETTS, Respondent herein, prays that the Administrative Law Judge and/or General Counsel grant his Motion for Extension of Time to File Exceptions, Briefs and/or Replies Responding to the Proposal for Decision and Order; alter the deadlines to November 8, 2010 and November 18, 2010 as requested herein by Respondent; and grant Respondent any other relief to which Respondent may be justly entitled, whether at law or in

equity.

Respectfully Submitted,

YOUNGKIN & BURNS, PLLC

By: 

BILL YOUNGKIN

State Bar No. 22226500

MATTHEW D. DOSS

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ATTORNEYS FOR RESPONDENT, IRA BETTS

CERTIFICATE OF SERVICE

I certify that on October 27, 2010, the foregoing document was *electronically filed* with the Chief Clerk of the Texas Commission on Environmental Quality, Austin, Texas and filed *via fax no. (512) 475-4994* with the State Office of Administrative Hearings, Austin, Texas.

I also certify that on October 27, 2010, a true and correct copy of the foregoing document was served as indicated in bold to:

Mr. Blas J. Coy, Jr.
TCEQ Public Interest Counsel
P.O. Box 13087, MC-103
Austin, Texas 78711-3087
Via Fax No. (512) 239-6377

Mr. Steven M. Fishburn
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